IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2269 OF 1984

State Bank of India .. Plaintiff.

vs.

Paras Golden Transport

Company .. Defendants.

Mr. K.H. Modi i/by Little & Co.

for the plaintiff.

Mr. Narendra Jain i/by S.K. JAIN

for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 13th June, 2005.

P.C.

. The learned advocate appearing for the defendants submits that the defendants has filed the written statement on 6.6.1988 and in para 1 thereof has pointed out that the suit which is filed by the company is not maintainable as the said transport company is owned by a private trust known as "Paras Beneficiary Trust" created under an Indenture of Trust dated 20.3.1976. The learned counsel further submits that the said trust is now dissolved and

both the trustees whose names are set out in para. 1 have died. He further submits that no trustees as successor has been appointed and thus the suit has become infructuous and cannot be proceeded with. The learned advocate for the plaintiffs states that he has not been able to verify the aforesaid facts but has admitted that he has not made any application to join either trust or trustees as party defendants to the suit. In the aforesaid circumstances, the suit has become infructuous and, therefore, the same is dismissed accordingly.